

UNITED STATES DISTRICT COURT

for the
Eastern District of Wisconsin

In the Matter of the Search of:

Information associated with Facebook account
Sosa Fontane, more fully described in Attachment A)
)
)
)
)
)Case No. 17-M-1231

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:

See Attachment A.

located in the Eastern District of Wisconsin, there is now concealed:

See Attachment B.

The basis for the search under Fed. R. Crim P. 41(c) is:

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to violations of: Title 18 U.S.C. §§ 1512, 401(3) and 1591(d)

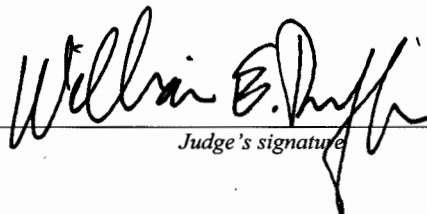
The application is based on these facts: See attached affidavit.

- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.


 Applicant's signature

 Neal Lofy, Task Force Officer
 Printed Name and Title

Sworn to before me and signed in my presence:

Date: 2/15/17

 Judge's signature
City and State: Milwaukee, Wisconsin

William E. Duffin, U.S. Magistrate Judge

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, Neal Lofy, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant for information associated with a certain Facebook account that is stored at premises owned, maintained, controlled, or operated by Facebook Inc. ("Facebook"), a social networking company headquartered in Menlo Park, California. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Facebook to disclose to the government records and other information in its possession, pertaining to the subscriber or customer associated with the account.

2. I am a Detective with the Racine Police Department, a position I have held for the past four years, and I have been employed by the Racine Police Department since 2006. On October 5, 2015, I was deputized as a Task Force Officer with the Federal Bureau of Investigation (FBI). I am currently assigned to the Special Investigations Unit as the lead investigator on the Greater Racine Human Trafficking Task Force. I am also assigned to the Milwaukee Division's Child Exploitation Task Force, which investigates violations of federal law including, but not limited to, the coercion and enticement of a minor to engage in sexual contact, and the sexual exploitation and sexual abuse of minors. I am also assigned to the FBI's Wisconsin

Human Trafficking Task Force, which investigates the illegal trafficking of persons, both domestic and foreign, for the purposes of labor and commercial sex acts.

3. This affidavit is based upon my personal knowledge as well as information reported to me by other federal, state, and local law enforcement officers during the course of their official duties, all of whom I believe to be truthful and reliable. This affidavit is also based upon information gathered from interviews of citizen witnesses, reports, official records, law enforcement reports, and my training and experience.

4. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of Title 18, United States Code, Sections 1512 (witness tampering), 1591(d) (obstruction of a sex trafficking investigation) and 401(3) (contempt of court) and have been committed by Jaboree Williams and others.

5. More specifically, I seek authorization to search Facebook's information associated with Jaboree Williams' account:

| NAME | FACEBOOK IDENTIFICATION (UID) | FACEBOOK VANITY NAME |
|--------------|----------------------------------|-------------------------|
| Sosa Fontane | 1189767179 | sosa.williams.9 |

PROBABLE CAUSE

6. Law enforcement is currently investigating Jaboree Williams (Williams) for witness tampering, contempt of court, and obstruction of a sex trafficking

investigation. On July 12, 2016, a federal grand jury sitting in the Eastern District of Wisconsin returned a nine-count indictment against the defendant (*United States v. Jaboree Williams*, 16-CR-111). On December 13, 2016, a federal grand jury sitting in the Eastern District of Wisconsin returned a nineteen-count superseding indictment against the defendant alleging violations of Title 18, United States Code, Sections 401(3), 1591, 1594, 2421, 1512 and 2 and Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C) and 846.

7. Williams has been detained in federal custody since June 28, 2016. On June 30, 2016, the Honorable Magistrate Judge William Duffin, Eastern District of Wisconsin, entered a No Contact Order between Williams and victims and witnesses in *United States v. Jaboree Williams*, 16-CR-111. The United States submitted a list of the victims and witnesses subject to this Court's No Contact Order on July 5, 2016 and submitted updated lists of the victims and witnesses subject to this Court's No Contact Order on August 11, 2016, January 5, 2017, and February 10, 2017. On October 24, 2016, given the defendant's violations of the No Contact Order, Judge Duffin ordered that any telephone call made by Jaboree Williams from jail must be made using his inmate identification number.

8. The government has been monitoring the defendant's jail calls and in December of 2016 and January of 2017, Williams engaged in numerous conversations with a third party, who has been running the defendant's Facebook account, that is, "Sosa Fontane" with vanity name sosa.williams.9 and userid 1189767179. During these

jail calls Williams, using his own inmate identification number, directs the third party to post certain information and attempt to contact and contact victims and witnesses in this case who are subject to this Court's No Contact Order, via Facebook, all in violation of the Court's No Contact Order.

9. Specifically, on December 13, 2016, Williams speaks with Angela Keeton and states that he wants to post on his Facebook page the names of the people who "told on him." On December 14, 2016, Williams has another conversation with Angela Keeton and Williams states that he wants to list on Facebook the names of the individuals who are telling on him and he then lists of names of individuals on the Court's No Contact list. On December 24, 2016, Williams speaks with Keeton again and Keeton states that one of the victims in this case (V1), who is subject to the Court's No Contact Order, responded to the Facebook post regarding people telling on Williams. On December 24, 2016, Williams speaks with Keeton again and Keeton relays that V1 messaged Williams on Facebook and told him that she did not snitch on him, tells Williams to clean his Facebook page, and tells him that she still loves him. Later on December 24, 2016, Williams talks to Keeton again and asks Keeton to look at another victim's (V2) Facebook page for him and Williams asks Keeton to look at V1's Facebook page. Williams states that he wants to see a response to his last message to V1 and states he is "trying to get them going." Later on December 24, 2016, Williams again talks to Keeton and asks Keeton to check his Facebook and he says he "can't believe V1 has not said anything about my [Williams' Facebook] status."

10. On December 27, 2016, Williams speaks with Keeton and states that he wants her to check on the Facebook statuses of V1, V2 and C.S., another witness subject to this Court's No Contact Order. On January 1, 2017, Williams speaks with Keeton and Keeton states that V1 sent Williams messages on Facebook and states that she (Keeton) will show them to Williams when she comes to visit him in jail. On January 2, 2017, Williams again speaks with Keeton and directs her to make a posting on his Facebook page. On January 4, 2017, Williams speaks to Keeton again and directs her to make the following posting on his Facebook page: "I have taken accountability for everything I done. Sometimes we are bad and sometimes we are good. Everything wasn't bad. But one thing I can say, I never forced anyone to do anything they didn't want to do or wasn't already doing. Ain't nothing I ever did to anyone worth 15 years to life. Motherfuckers get mad at the wrong shit and don't see the big picture. the ones you love always hurt you the most. Why doesn't anyone want to take accountability for what they done. I'm always out to be the bad guy."

11. On February 9, 2017, a threat against a cooperating witness in this case which was directed to the cooperating witness was made from the defendant's Facebook account "Sosa Fontane," with vanity name sosa.williams.9. A family member of the cooperating witness, L.E., who is Facebook "friends" with Williams took a screen shot of the threat and it was forwarded to law enforcement on February 10, 2017. Case agents interviewed one of L.E.'s family members on February 13, 2017, and the family member stated that the post was made on February 9, 2017 and the family member

viewed the post as a threat against L.E. because L.E. cooperated with law enforcement. Review of "Sosa Fontane's" public Facebook page reveals that Williams' post was not publically available and therefore, the posting was only visible to Williams' Facebook "friends," which includes members of L.E.'s family. Specifically, the screen shot reveals that "Sosa Fontane" posted the following: "[L.E.] you a rat ass bitch AKA, L." L.E. is a cooperating witness and is also subject to this Court's No Contact Order.

12. The publically viewable photos on Sosa Fontane's Facebook page reveal that Sosa Fontane updated his profile picture on October 30, 2016 and that picture is a picture of Jaboree Williams in prison attire, which further supports my belief that while Jaboree Williams is not physically able to use and post to this Facebook account, he is directing others to do so, and the "Sosa Fontane" account is Jaboree Williams' account.

13. Facebook owns and operates a free-access social networking website of the same name that can be accessed at <http://www.facebook.com>. Facebook allows its users to establish accounts with Facebook, and users can then use their accounts to share written news, photographs, videos, and other information with other Facebook users, and sometimes with the general public.

14. Facebook asks users to provide basic contact and personal identifying information to Facebook, either during the registration process or thereafter. This information may include the user's full name, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers (for password retrieval), physical address (including city, state, and zip code), telephone

numbers, screen names, websites, and other personal identifiers. Facebook also assigns a user identification number to each account.

15. Facebook users may join one or more groups or networks to connect and interact with other users who are members of the same group or network. Facebook assigns a group identification number to each group. A Facebook user can also connect directly with individual Facebook users by sending each user a "Friend Request." If the recipient of a "Friend Request" accepts the request, then the two users will become "Friends" for purposes of Facebook and can exchange communications or view information about each other. Each Facebook user's account includes a list of that user's "Friends" and a "News Feed," which highlights information about the user's "Friends," such as profile changes, upcoming events, and birthdays.

16. Facebook users can select different levels of privacy for the communications and information associated with their Facebook accounts. By adjusting these privacy settings, a Facebook user can make information available only to himself or herself, to particular Facebook users, or to anyone with access to the Internet, including people who are not Facebook users. A Facebook user can also create "lists" of Facebook friends to facilitate the application of these privacy settings. Facebook accounts also include other account settings that users can adjust to control, for example, the types of notifications they receive from Facebook.

17. Facebook users can create profiles that include photographs, lists of personal interests, and other information. Facebook users can also post "status"

updates about their whereabouts and actions, as well as links to videos, photographs, articles, and other items available elsewhere on the Internet. Facebook users can also post information about upcoming “events,” such as social occasions, by listing the event’s time, location, host, and guest list. In addition, Facebook users can “check in” to particular locations or add their geographic locations to their Facebook posts, thereby revealing their geographic locations at particular dates and times. A particular user’s profile page also includes a “Wall,” which is a space where the user and his or her “Friends” can post messages, attachments, and links that will typically be visible to anyone who can view the user’s profile.

18. Facebook allows users to upload photos and videos, which may include any metadata such as location that the user transmitted when s/he uploaded the photo or video. It also provides users the ability to “tag” (i.e., label) other Facebook users in a photo or video. When a user is tagged in a photo or video, he or she receives a notification of the tag and a link to see the photo or video. For Facebook’s purposes, the photos and videos associated with a user’s account will include all photos and videos uploaded by that user that have not been deleted, as well as all photos and videos uploaded by any user that have that user tagged in them.

19. Facebook users can exchange private messages on Facebook with other users. These messages, which are similar to e-mail messages, are sent to the recipient’s “Inbox” on Facebook, which also stores copies of messages sent by the recipient, as well as other information. Facebook users can also post comments on the Facebook profiles

of other users or on their own profiles; such comments are typically associated with a specific posting or item on the profile. In addition, Facebook has a Chat feature that allows users to send and receive instant messages through Facebook. These chat communications are stored in the chat history for the account. Facebook also has a Video Calling feature, and although Facebook does not record the calls themselves, it does keep records of the date of each call.

20. If a Facebook user does not want to interact with another user on Facebook, the first user can “block” the second user from seeing his or her account.

21. Facebook has a “like” feature that allows users to give positive feedback or connect to particular pages. Facebook users can “like” Facebook posts or updates, as well as webpages or content on third-party (*i.e.*, non-Facebook) websites. Facebook users can also become “fans” of particular Facebook pages.

22. Facebook has a search function that enables its users to search Facebook for keywords, usernames, or pages, among other things.

23. Each Facebook account has an activity log, which is a list of the user’s posts and other Facebook activities from the inception of the account to the present. The activity log includes stories and photos that the user has been tagged in, as well as connections made through the account, such as “liking” a Facebook page or adding someone as a friend. The activity log is visible to the user but cannot be viewed by people who visit the user’s Facebook page.

24. Facebook Notes is a blogging feature available to Facebook users, and it enables users to write and post notes or personal web logs ("blogs"), or to import their blogs from other services, such as Xanga, LiveJournal, and Blogger.

25. The Facebook Gifts feature allows users to send virtual "gifts" to their friends that appear as icons on the recipient's profile page. Gifts cost money to purchase, and a personalized message can be attached to each gift. Facebook users can also send each other "pokes," which are free and simply result in a notification to the recipient that he or she has been "poked" by the sender.

26. Facebook also has a Marketplace feature, which allows users to post free classified ads. Users can post items for sale, housing, jobs, and other items on the Marketplace.

27. In addition to the applications described above, Facebook also provides its users with access to thousands of other applications ("apps") on the Facebook platform. When a Facebook user accesses or uses one of these applications, an update about that the user's access or use of that application may appear on the user's profile page.

28. Facebook uses the term "Neoprint" to describe an expanded view of a given user profile. The "Neoprint" for a given user can include the following information from the user's profile: profile contact information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user identification numbers; groups and networks of which the user is a member, including the groups'

Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications.

29. Facebook also retains Internet Protocol ("IP") logs for a given user ID or IP address. These logs may contain information about the actions taken by the user ID or IP address on Facebook, including information about the type of action, the date and time of the action, and the user ID and IP address associated with the action. For example, if a user views a Facebook profile, that user's IP log would reflect the fact that the user viewed the profile, and would show when and from what IP address the user did so.

30. Social networking providers like Facebook typically retain additional information about their users' accounts, such as information about the length of service (including start date), the types of service utilized, and the means and source of any payments associated with the service (including any credit card or bank account number). In some cases, Facebook users may communicate directly with Facebook about issues relating to their accounts, such as technical problems, billing inquiries, or complaints from other users. Social networking providers like Facebook typically retain records about such communications, including records of contacts between the user and the provider's support services, as well as records of any actions taken by the provider or user as a result of the communications.

31. As explained herein, information stored in connection with a Facebook account may provide crucial evidence of the “who, what, why, when, where, and how” of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or alternatively, to exclude the innocent from further suspicion. In my training and experience, a Facebook user’s “Neoprint,” IP log, stored electronic communications, and other data retained by Facebook, can indicate who has used or controlled the Facebook account. This “user attribution” evidence is analogous to the search for “indicia of occupancy” while executing a search warrant at a residence. For example, profile contact information, private messaging logs, status updates, and tagged photos (and the data associated with the foregoing, such as date and time) may be evidence of who used or controlled the Facebook account at a relevant time. Further, Facebook account activity can show how and when the account was accessed or used. For example, as described herein, Facebook logs the Internet Protocol (IP) addresses from which users access their accounts along with the time and date. By determining the physical location associated with the logged IP addresses, investigators can understand the chronological and geographic context of the account access and use relating to the crime under investigation. Such information allows investigators to understand the geographic and chronological context of Facebook access, use, and events relating to the crime under investigation. Additionally, Facebook builds geo-location into some of its services. Geo-location allows, for example, users to “tag” their location in posts and Facebook “friends” to locate each other. This geographic and

timeline information may tend to either inculcate or exculpate the Facebook account owner. Last, Facebook account activity may provide relevant insight into the Facebook account owner's state of mind as it relates to the offense under investigation. For example, information on the Facebook account may indicate the owner's motive and intent to commit a crime (e.g., information indicating a plan to commit a crime), or consciousness of guilt (e.g., deleting account information in an effort to conceal evidence from law enforcement).

32. Therefore, the computers of Facebook are likely to contain all the material described above, including stored electronic communications and information concerning subscribers and their use of Facebook, such as account access information, transaction information, and other account information.

INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED

33. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant to require Facebook to disclose to the government copies of the records and other information (including the content of communications) particularly described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

CONCLUSION

34. Based on the forgoing, I request that the Court issue the proposed search warrant. I submit that there is a probable cause to believe that Jaboree Williams and others engaged in violations of Title 18, United States Code, Sections 1512 (witness tampering), 401(3) (contempt of court) and 1591(d) (obstruction of a sex-trafficking investigation). Based upon the foregoing, I submit that there is probable cause to believe that Jaboree Williams' Facebook records contain evidence of his and others' involvement in the above-described offenses.

35. This Court has jurisdiction to issue the requested warrant because it is "a court of competent jurisdiction" as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, the Court is "a district court of the United States in the Eastern District of Wisconsin that has jurisdiction over the offense being investigated."

36. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant

ATTACHMENT A

Property to Be Searched

This warrant applies to information associated with the following Facebook Account:

| NAME | FACEBOOK IDENTIFICATION (UID) | FACEBOOK VANITY NAME |
|--------------|-------------------------------|----------------------|
| Sosa Fontane | 1189767179 | sosa.williams.9 |

that is stored at premises owned, maintained, controlled, or operated by Facebook Inc., a company headquartered in Menlo Park, California.

ATTACHMENT B

Particular Things to be Seized

I. Information to be disclosed by Facebook

To the extent that the information described in Attachment A is within the possession, custody, or control of Facebook Inc. ("Facebook"), including any messages, records, files, logs, or information that have been deleted but are still available to Facebook, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Facebook is required to disclose the following information to the government for each user ID listed in Attachment A:

- (a) All contact and personal identifying information, including for user "Sosa Fontane" with user ID 1189767179: full name, user identification number, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers.
- (b) All activity logs for the account and all other documents showing the user's posts and other Facebook activities;
- (c) All photos and videos uploaded by that user ID and all photos and videos uploaded by any user that have that user tagged in them;
- (d) All profile information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user identification numbers;

groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications;

- (e) All other records of communications and messages made or received by the user, including all private messages, chat history, video calling history, and pending "Friend" requests;
- (f) All "check ins" and other location information;
- (g) All IP logs, including all records of the IP addresses that logged into the account;
- (h) All records of the account's usage of the "Like" feature, including all Facebook posts and all non-Facebook webpages and content that the user has "liked";
- (i) All information about the Facebook pages that the account is or was a "fan" of;
- (j) All past and present lists of friends created by the account;
- (k) All records of Facebook searches performed by the account;
- (l) All information about the user's access and use of Facebook Marketplace;
- (m) The types of service utilized by the user;

- (n) The length of service (including start date) and the means and source of any payments associated with the service (including any credit card or bank account number);
- (o) All privacy settings and other account settings, including privacy settings for individual Facebook posts and activities, and all records showing which Facebook users have been blocked by the account;
- (p) All records pertaining to communications between Facebook and any person regarding the user or the user's Facebook account, including contacts with support services and records of actions taken.

II. Information to be seized by the government

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of Title 18, United States Code, Sections 1512 (witness tampering) and 401(3) (contempt of a court order) involving Jaboree Williams and Angela Keeton, since December 1, 2016, including, for the user ID identified on Attachment A, information pertaining to the following matters:

- (a) Communications between known subjects. Communications between Williams' Facebook account either via private message, posting or any other type of communication with the victims or witnesses subject to the Court's No Contact Order in this case.
- (b) Communications related to photos/attachments. Communications related to threats to the victims or witnesses subject to the Court's No Contact

Order in this case or any communications with the witnesses or victims subject to the Court's No Contact Order in this case.

- (c) Evidence indicating how and when the Facebook account was accessed or used, to determine the chronological and geographic context of account access, use, and events relating to the crime under investigation and to the Facebook account owner;
- (d) Any and all information that may reveal who accessed and posted on Williams' Facebook account since he has been in federal custody since June 28, 2016, including any and all IP address information which may reveal who accessed and posted on Williams' account;
- (e) The identity of the person(s) who created or used the user ID, including records that help reveal the whereabouts of such person(s).
- (f) The identity of the person(s) who communicated with the user ID 1189767179 regarding matters relating to the aforementioned violations of the United States Code.